

## REMARKS

### I. Status of the Application

Claims 1-20 are pending in this application. In the August 17, 2009 office action, the Examiner:

A. Rejected claims 1, 2, 7 and 14-17 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2003/0023874 to Prokupets et al. ("Prokupets") in view of U.S. Patent No. 5,815,664 to Asano ("Asano");

B. Rejected claims 3, 4 and 8-13 under 35 U.S.C. §103(a) as being unpatentable over Prokupets et al in view of Asano and further in view of U.S. Patent Publication No. 2006/0114842 to Miyamoto et al. ("Miyamoto") in further view of U.S. Patent No. 6,144,736 to Koenig et al. ("Koenig");

C. Rejected claims 5-6 and 20 under 35 U.S.C. §103(a) as being unpatentable over Prokupets et al. in view of Asano in further view of Miyamoto et al.; and

D. Rejected claims 18-19 under 35 U.S.C. §103(a) as being unpatentable over Prokupets in view of Asano in further view of Koenig et al.

In this response, applicants respectfully traverse the rejections of the claims and request reconsideration in view of the following remarks.

### II. Obviousness Rejection of Claim 1

Claim 1 stands rejected as allegedly being rendered obvious over Prokupets in view of Asano. As will be discussed below in detail, there is no legally sufficient reason, motivation

or suggestion to combine Prokupets and Asano as proposed by the Examiner. As a consequence, it is respectfully submitted that the obviousness rejection of claim 1 should be withdrawn.

A. Present Invention

Claim 1 is directed to a data transmission system for a facility that includes first and second networks. The first network includes a number of critical devices disposed within the facility and at least one first computer workstation operably coupled to said number of critical devices via said first network. The second network includes at least one second computer workstation and an isolating router coupling said first network to said second network and operable to isolate said first network from data transmission traffic in said second network, the isolating router comprising a router configured to receive and store data packets, and to forward the received data packets.

B. Prokupets

Prokupets is directed to a system for integrating security and access for facilities and information systems. As shown in Fig. 1, the Prokupets system shows an access control system, a surveillance system, a fire system and an intrusion detection system all connected via a network to a security server. (See Prokupets at Abstract and Fig. 1).

C. Asano

Asano is directed to an address reporting arrangement and method for detecting authorized and unauthorized addresses in a network environment. Asano addresses problem problems arising from a host computer having an authorized address trying to communicate with a host having an unauthorized address on another network. (See, e.g., Asano at col. 2, lines 53-59). It is the object of Asano to enable a host having an authorized address to respond to a request from a host having an unauthorized address. (*Id.* at col. 4, lines 26-38).

D. The Proposed Combination

In the August 17, 2009 office action (hereinafter “Office Action”), the Examiner admits that Prokupets fails to teach the claimed router. (Office Action at p.3). The Examiner addresses the shortcoming of Prokupets with respect to the router by citing teachings of Asano. The Examiner stated that it would have been obvious to modify the apparatus of Prokupets to include “an isolating router that processes packets as taught by Asano in order to selectively enable communication between different networks (Asano: col.4, lines 25-33).” (*Id.*)

E. No Reason to Modify the Device of Prokupets to Include the Position Sensor of Asano

Even if the proposed modification did arrive at the claimed invention, the Examiner has not provided a clearly articulated and legitimate reason for making the proposed modification. The August 17, 2009 office action asserts that the network 20 of Prokupets constitutes the claimed “first network”, and that the network connecting the security server 12

to the HR database 26 and/or the network connecting the security server 12 to the clients 24, 30 constitutes the “second network”. (*Id.* at p.11). Currently, security server 12 separates the network 20 of Prokupets from each of these second networks. Thus, Prokupets fails to disclose the claimed isolating router coupling the first and second networks as claimed.

The Office Action also asserts that Asano includes first and second networks, and teaches the use of an isolating router between the networks. (*Id.* at pp.2, 12).

In the allegation of obviousness, the Office Action alleges that it would be obvious to include an isolating router in Prokupets “in order to selectively enable communication between different networks”. (*Id.* at p.3). In other words, the Office Action alleges that it would have been obvious to place an isolating router in the arrangement of Fig. 1 of Prokupets between the “first” network 20 and any of the “second networks” leading to the HR database 26 or clients 24 and/or 30.

Applicants respectfully disagree. One of ordinary skill would not need (or have a reason) to include the isolating router of Asano between the alleged “first network” and “second network” of Prokupets because the security server 12 already supplants any operations of a router. In particular, the Prokupets security server 12 performs the operations of receiving event data packets, storing information contained in the packets, and then routing information based on those packets to other devices. (See Prokupets at ¶0059). Because information from packets is already routed or forwarded between the two “networks” of Prokupets, there would be no reason to replace the Prokupets security server 12 with an isolation router, such as is taught by Asano. At a minimum, such a replacement would

eliminate most of the functionality of the security server 12, which is clearly one of the focal points of Prokupets.

Accordingly, the Office Action does not describe why one of ordinary skill in the art would replace the security server 12 of Prokupets with the isolation router of Asano. The Office Action merely states that an isolation router would allow the system “to selectively enable communication between different networks”. Because this functionality is already provided in Prokupets (the security server 12), there would be no reason to add the isolation router, nor to replace the security server 12 of Prokupets with an isolation router.

It is therefore submitted that the obviousness rejection of claim 1 is in error. As discussed above, there is no reason to incorporate a router between two networks in Prokupets because the existing device (the security server 12) in Prokupets already performs the task of “... selectively [enabling] communication between different networks”. For at least these reasons, it is respectfully submitted that the rejection of claim 1 is in error and should be withdrawn.

### III. Claims 2-7

Claims 2-7 also stand rejected as allegedly being obvious over Prokupets and Asano (and in some cases in view of additional art). Claims 2-7 all depend from and incorporate all of the limitations of claim 1. As discussed above, there is no reason to combine Prokupets and Asano such that the resulting arrangement arrives at the invention of claim 1. For at least these reasons, it is respectfully submitted that the obviousness rejections of claims 2-7 are in error and should be withdrawn.

#### IV. Claim 8

Independent 8 also stands rejected as allegedly being obvious over Prokupets and Asano. Independent claim 8 is directed to a data transmission system for use in a facility that includes:

an isolating IP router connecting said first [Ethernet] sub-network to said second [Ethernet] sub-network and operable to isolate said first network from data transmission traffic in said second network.

As discussed above in connection with claim 1, there is no reason to combine Prokupets and Asano such that the result includes a *router* to connect two different networks because the server 12 already provides a suitable connection between the two networks. Moreover, a replacement “router” such as the one of Asano would not provide the functionality of the security server 12 of Asano.

Accordingly, one of ordinary skill in the art would have no reason to replace the server 12 of Prokupets with an IP router in order to satisfy this element of claim 8. For the foregoing reasons, it is respectfully submitted that the rejection of claim 8 over Prokupets and Asano is in error and should be withdrawn.

#### V. Claims 9-13

Claims 9-13 also stand rejected as allegedly being obvious over Prokupets and Asano (and in some cases in view of additional art). Claims 9-13 all depend from and incorporate all of the limitations of claim 8. As discussed above, there is no reason to combine Prokupets and Asano such that the resulting device arrives at the invention of claims 8. For at least these reasons, as well as other reasons set forth above in connection with claim 8, it is

respectfully submitted that the obviousness rejections of claims 9-13 are in error and should be withdrawn.

VI. Claim 14

Independent claim 14 also stands rejected as allegedly being obvious over Prokupets and Asano. Independent claim 14 is directed to a data communication system that includes:

a first network and a second network connected by an IP router, the first network including a first plurality of work stations, the second network including a second plurality of work stations,

Similar to claim 1, the Examiner has admitted that Prokupets does not teach a router, and relies on the teachings of Asano for that claim element. As discussed above, there is no reason to replace the server 12 of Prokupets with the router of Asano because the router would not be able to carry out the operations of the server of Prokupets.

For the foregoing reasons, which are similar to those discussed in detail above in connection with claims 1 and 8, it is respectfully submitted that the rejection of claim 14 over Prokupets and Asano is in error and should be withdrawn.

VII. Claims 15-20

Claims 15-20 also stand rejected as allegedly being obvious over Prokupets and Asano. Claims 15-20 all depend from and incorporate all of the limitations of claim 14. Accordingly, for at least the same reasons as those set forth above in connection with claim 17, it is respectfully submitted that the obviousness rejections of claims 15-20 are in error and should be withdrawn.

VIII. Conclusion

For all of the foregoing reasons, it is respectfully submitted the applicant has made a patentable contribution to the art. Favorable reconsideration and allowance of this application is therefore respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Michael Wallace", is written over a horizontal line.

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